

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
7:14-CV-113-D

UNITED STATES OF AMERICA, )  
and STATE OF NORTH CAROLINA, )  
 )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
COMPASSIONATE HOME CARE )  
SERVICES, INC., et. al., )  
 )  
Defendants. )

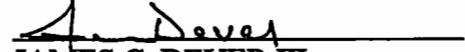
**ORDER**

On March 15, 2017, this court held that defendants Compassionate Home Care Services, Inc., Carol Anders, and Ryan Santiago (“defendants”) are liable to plaintiffs under the federal and North Carolina false claims acts. See [D.E. 157]. On July 24, 2017, plaintiffs moved for summary judgment [D.E. 188] concerning damages and filed a memorandum in support [D.E. 189], a statement of material facts [D.E. 190], and an appendix to the statement of material facts [D.E. 191]. On September 25, 2017, defendants responded in opposition [D.E. 199] and on September 26, 2017, filed an affidavit of Carol Anders in opposition [D.E. 200] and a statement of material facts [D.E. 201]. On October 2, 2017, plaintiffs moved to strike defendants’ affidavit in opposition [D.E. 202] and filed a memorandum in support [D.E. 203]. On October 16, 2017, plaintiffs replied in support of their motion for summary judgment concerning damages [D.E. 208] and responded to defendants’ statement of material facts [D.E. 209]. On October 23, 2017, defendants responded in opposition to the motion to strike [D.E. 210].

As for plaintiffs' motion for summary judgment, the court has reviewed the record in the light most favorable to defendants. Plaintiffs' motion for summary judgment concerning damages [D.E. 188] is DENIED. Genuine issues of material fact exist concerning damages. As for plaintiffs' motion to strike the affidavit in opposition [D.E. 202], the court DENIES the motion. See Fed. R. Civ. P. 12(f); Waste Mgmt. Holdings, Inc. v. Gilmore, 252 F.3d 316, 347 (4th Cir. 2001); Hill v. Robeson Cty., 733 F. Supp. 2d 676, 690 (E.D.N.C. 2009).

The court sets the trial for Thursday, June 21, 2018, at 10:00 a.m., in courtroom one of the Terry Sanford Federal Building and United States Courthouse, 310 New Bern Avenue, Raleigh, North Carolina. The court anticipates two trial days. If necessary, the court will set and enforce time limits on each side.

SO ORDERED. This 21 day of February 2018.



JAMES C. DEVER III  
Chief United States District Judge